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Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON MICHAEL SHAMO, et. al.,

Defendant.

**MOTION TO ALLOW
DEFENDANT TO WEAR ATTIRE
OTHER THAN THOSE
PROVIDED AS AN INMATE
DURING TRIAL AND PRE-
ADMISSION HEARING AND
MEMORANDUM IN SUPPORT**

Case No. 2:16-CR-00631 DAK

Judge Dale A. Kimball

Aaron Michael Shamo, through his counsel, hereby moves the Court to enter an order allowing the Defendant to be clothed in attire other than those provided him as an inmate during the pre-admission hearing scheduled for January 9-11, 2018 and trial scheduled to begin January 22, 2018. In support Defendant alleges as follows:

It is well-established that the U.S. Constitution prohibits the use of shackles during the guilt or innocence phase of a Defendant's case. *Ochoa v. Workman*, 669 F.3D 1130, 1145 (10TH Cir. 2012). That same prohibition stands for the requirement that a Defendant be required to stand trial while wearing readily identifiable prison attire. *Estelle v. Williams*, 425 U.S. 501, 512 (1976). The requirement that a Defendant wear prison attire during the guilt or innocence phase of his case serves no readily identifiable purpose or policy. *Id.* at 505.

In the instant matter, Mr. Shamo is charged with some of the most severe crimes an individual may be charged with in a federal matter. In the intervening two years since Mr. Shamo's arrest this case has made local and national news on multiple occasions. Mr. Shamo has serious concerns about the presumption of innocence given the exposure of this matter. Requiring a defendant to wear prison attire even in simple matters is a clear constitutional violation. In a matter as serious as Mr. Shamo's to not allow him the opportunity to appear before the jury with the presumption of innocence in tact to the greatest extent possible is paramount to the interests of justice.

WHEREFORE, Defendant, Aaron Michael Shamo, respectfully requests the Court allow him appear at the pre-admission hearing and jury trial in a suit provided to him by his family prior to the proceedings.

DATED this 7th day of December, 2018.

SKORDAS, CASTON & HYDE, LLC

/s/ Gregory G. Skordas

Gregory G. Skordas

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of December, 2018, I filed a true and correct copy of the foregoing **MOTION TO ALLOW DEFENDANT TO WEAR ATTIRE OTHER THAN THOSE PROVIDED AS AN INMATE DURING TRIAL AND PRE-ADMISSION HEARING AND MEMORANDUM IN SUPPORT**, with the Clerk of the Court using CM/ECF system, which sent notification of such filing to the following:

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/s/ Sabrina Nielsen-Legal Secretary
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